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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,076	12/29/2000	Shlomi Harif	AUS920000946US1	9022

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IBM CORP (YA)
C/O YEE & ASSOCIATES PC
P.O. BOX 802333
DALLAS, TX 75380

EXAMINER

PIZIALI, JEFFREY J

ART UNIT	PAPER NUMBER
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2629

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,076

Applicant(s)

HARIF, SHLOMI

Examiner

Jeff Piziali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-20 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration (filed 19 April 2006) of the finality of the rejection of the last Office action (mailed 26 February 2003) is persuasive and, therefore, the finality of that action is withdrawn. However, the applicants arguments have also made plain that this application contains claims directed to plural patentably distinct species.

Election/Restrictions

2. This application contains claims directed to at least the following patentably distinct species, sub-species, and sub-sub-species:

Species I, drawn to *a user input device integrated within a fabric apron* [see Fig. 1; Page 5, Lines 4-16 of the instant Specification, for instance]; and

Species II, drawn to *a user input device integrated within a pair of fabric pants* [see Fig. 2; Page 6, Lines 11-21 of the instant Specification, for instance]; wherein

Species I and II each further comprise:

Sub-Species A, wherein *the user input device is a drawing tablet or mouse cursor movement panel apparatus for detecting pointing-type input* [see Page 8, Lines 17-23 of the instant Specification, for instance]; and

Sub-Species B, wherein *the user input device is a keyboard apparatus for detecting keystroke-type input* [see Fig. 4; Page 7, Lines 3-10 of the instant Specification, for instance]; wherein **Sub-Species B** further comprises:

Sub-Sub-Species 1, wherein *the keyboard-type apparatus is a traditional keyboard system* [see Page 5, Lines 14-16 of the instant Specification, for instance]; and

Sub-Sub-Species 2, wherein *the keyboard-type apparatus is a chording keyboard system* [see Page 5, Lines 17-26 of the instant Specification, for instance].

The species, sub-species, and sub-sub-species are respectively independent or distinct because the species do not overlap in scope, i.e., are mutually exclusive; the species are not obvious variants; and the species, sub-species, and sub-sub-species respectively each have a materially different design, mode of operation, function, and effect. Although the aforementioned divergent subject matter was intact at the time of the previous office action (mailed 26 February 2003), the applicant's arguments filed 19 April 2006 have persuaded the examiner that independent/distinct species are present, which if left unchecked would result in a serious examination burden henceforth.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, sub-species, and (if appropriate) sub-sub-species for prosecution on the merits to which the claims shall be

restricted if no generic claim is finally held to be allowable. Currently, no claims appear to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species, sub-species, and (if appropriate) sub-sub-species that are elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species, sub-species, and (if appropriate) sub-sub-species. MPEP § 809.02(a).

3. A telephone call was made to Mr. Francis Lammes (Registration Number 55,353) on 18 July 2006 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species, sub-species, and (if appropriate) sub-sub-species; or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species, sub-species, and (if appropriate) sub-sub-species may be made with or without traverse. To reserve a right to petition, the election must be made with

traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species, sub-species, and (if appropriate) sub-sub-species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species, sub-species, and (if appropriate) sub-sub-species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference signs mentioned in the description: "400" and "402" (see Page 7, Lines 6 and 9 of the instant specification). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "300" has been used to designate both the data processing system and the keyboard unit

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(see Figs. 3 and 4); because reference character "302" has been used to designate both the bus and the wireless unit (see Figs. 3 and 4); because reference character "510" has been used to designate both the switch unit and the keyboard wire (see Fig. 5C); because reference character "504" has been used to designate both the "electrically responsive liquid" and the "top portion" (see Page 7, Lines 16 and 24 of the instant specification); and because reference character "502" has been used to designate both the "capsule" and the "switch unit" (see Page 8, Lines 4 and 7 of the instant specification). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. The drawings are further objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "500" and "510" have both been used to designate the switch unit (see Figs. 5B and 5C). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

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informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Piziali whose telephone number is (571) 272-7678. The examiner can normally be reached on Monday - Friday (6:30AM - 3PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



J.P.

18 July 2006